

October 4, 2021

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Hon. Robert W. Lehrburger
United States Magistrate Judge
U.S. District Court for the Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

USDC SDNY
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Re: Balotti v. Commissioner of Social Security
Civil Action No: 1:20-cv-08944-RWL

Dear Judge Lehrburger:

This letter respectfully requests an extension of time of sixty (60) days for Plaintiff to serve his Motion for Judgment on the Pleadings in this matter. Plaintiff's Motion for Judgment on the Pleadings is currently due on October 8, 2021. However, due to the backlog of transcripts created by COVID-19 and the Commissioner's response, the Commissioner is able to produce records at a rapid pace. As a result, this has caused multiple, simultaneous filing deadlines that cannot be met. Plaintiff cannot meet the current briefing deadline. This extension is needed to thoroughly and properly prepare her Motion. Plaintiff's counsel has contacted defense counsel who consents to this request. This would be a first request to extend the time to serve Plaintiff's Motion.

If this request is granted, Plaintiff's Motion for Judgment on the Pleadings will be due on December 7, 2021. Subsequently, in accordance with the pattern of the Scheduling Order issued by this Court (Dkt. No. 15), the Commissioner's response to the Motion for Judgment on the Pleadings would then be due February 8, 2022. Plaintiff's Reply would then be due March 25, 2022. Defendant's reply, with respect to Defendant's motion would then be due April 15, 2022.

Thank you for your consideration.

Respectfully submitted,

/s/ Howard D. Olinsky
Howard D. Olinsky, Esq.
Bar Code H06529
Counsel for Plaintiff

CC [via ECF]: Joseph A. Pantoja, Esq. (Counsel for Defendant)

SO ORDERED.

Dated: _____
New York, NY

Honorable Gabriel W. Gorenstein
U.S. Magistrate Judge

SO ORDERED:



10/05/2021

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

The extension requested is granted; however, the motions will be deemed fully briefed as of Plaintiff's filing of its reply on March 25, 2022, as is traditionally done in SSA cases.